[LORD HENLEY]

Regarding consultation with RADAR and other such groups, as I have said on many occasions, I am always prepared to meet representatives from such groups.

Lord Carter: My Lords, is the Minister aware that where severe disability results from an accident and a compensation claim is successfully pursued through the courts, very large awards are made which quantify the substantial extra costs resulting from the disability? That can be hundreds of pounds per week. On the other hand, a person born with the same or even worse disability than the accident victim has to manage on the totally inadequate level of social security benefits mentioned by my noble friend Lord Stallard. Does the Minister agree that our system for compensating the extra costs of disability is both arbitrary and unfair and should be replaced by a comprehensive and non-means tested disability cost allowance?

Lord Henley: My Lords, I do not accept the points made by the noble Lord. I point to our record. There has been a doubling in expenditure on the long-term sick and disabled—some £8.8 billion over the past 10 years. That is double what was spent on the long-term sick and disabled by the noble Lord's party when it was in government some 11 years ago.

Lord Carter: My Lords, that is not the point which I am making. I am referring to the arbitrariness and unfairness of a system in which a person with a severe disability resulting from an accident receives a very substantial award through the courts which quantifies the extra costs of the disability, whereas a person born with the same disability must manage on social security benefits.

Lord Henley: My Lords, we are living in the real world. I understand that the noble Lord's party has put forward proposals in its document *As of Right* and I understand that those proposals will cost some extra £4.4 billion per year. Judging by experience of earlier Labour Governments, it is extremely unlikely that any future Labour Government will be able to afford that.

Lord Stallard: My Lords, in reply to my original Question, the noble Lord said that he is always prepared to consult on the new allowance or any other aspects. Does he mean that if representatives of those organisations make a joint request to meet the Minister to discuss this new benefit, he will be prepared to meet them?

Lord Henley: My Lords, yes. I gave that assurance.

Business

Lord Denham: My Lords, with the leave of the House, I should like to say a word about the two short debates standing in the names of my noble friends Lord Campbell of Croy and Lord Stanley of Alderley. As the mover is allowed 15 minutes, and the Minister should rise to reply not less than 20 minutes before the scheduled end of the debate, in the case of the Short Debate in the name of my noble friend Lord Campbell of Croy, all other speeches should be limited to a maximum of 10 minutes and in that of my noble friend, Lord Stanley of Alderley, eight minutes.

UN Charter: Collective Security

2.57 p.m.

The Lord Campbell of Croy rose to call attention to the terms and the application of Chapter VII of the United Nations Charter on action with respect to threats to the peace, breaches of the peace and acts of aggression; and to move for Papers.

The noble Lord said: My Lords, I beg to leave to move the Motion standing in my name on the Order Paper.

My object is to raise for debate the subject of collective security made topical by the actions of Saddam Hussein but looking to the future after the Gulf war has ended.

Six months ago a flagrant and unprovoked act of aggression was committed against Kuwait. For the first time since the founding of the United Nations 45 years ago, the five permanent members of the Security Council and a large majority of members united to oppose and undo the misdeed. The principle of collective security has been upheld more widely than ever before in modern history. That is welcome and gratifying although it means that we are engaged in a war and on a scale which we would not have wished.

Since 2nd August, the structure of the United Nations and the Charter have been used correctly, quickly and decisively in the resolutions adopted by the Security Council, especially Resolution No. 660 on 2nd August, and Resolution No. 661 four days later calling for economic sanctions.

I can easily visualise those meetings in New York because I was part of the small United Kingdom permanent mission to the United Nations there 41 years ago. I was at the emergency meeting of the Security Council on a Sunday morning in June 1950, the day after North Korea attacked South Korea and at the subsequent meetings. Our chief, Sir Alexander Cadogan, was not with us at the Sunday meeting; he was on retirement leave. A few days later my noble kinsman Lord Gladwyn, who had already been designated his successor, took over. I am delighted to see that he is to speak in this debate because he was also the first acting Secretary-General of the United Nations before Mr. Trygve Lie was appointed.

Immediate action by the United Nations was possible in 1950 because the Soviet Union was absent —deliberately absent —for several weeks as a protest that the Chinese representative had not been replaced by a representative of the new communist government. The necessary resolutions were adopted without Soviet opposition or veto. That there would have been Soviet opposition became clear from the speeches of the Soviet representative, Mr. Malik, after the Soviet delegation returned to the council five weeks later when it was the Soviet turn to take the chair. In the cases of Korea and the Gulf the Security Council resolutions were put into effect with strength because the United States sent substantial armed forces with speed.

In 1950 American forces were nearby in Japan. Other countries sent small detachments, as soon as

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they could, under the UN flag. We contributed a Commonwealth brigade which eventually became a division. In both cases, Korea and the Gulf, Chapter VII was invoked in the resolutions. I do not intend to discuss current military operations in the Gulf, which are best left to the commanders in the field. I agree with what the noble and gallant Lord, Lord Carver, said in the debate on 21st January in that regard. However, I take the opportunity to say—and I am sure that I speak for the whole House—that we are acutely conscious of the key role of the British forces in the Gulf. We admire their dedication, professionalism and fortitude in a dangerous task of crucial importance for the future. Our thoughts and hopes are with them and their allies in the coalition forces.

My purpose today is to examine the structure of the United Nations and the terms of the Charter, virtually unchanged since 1946. They form the basis of international action to deter aggression and to deal with it if it happens. In the years 1948 to 1952, when I was a member of the United Kingdom mission in New York, we were involved in the application of the Charter for the first time. I found that I knew the wording of Chapter VII by heart. I do not suggest that noble Lords will need copies of the Charter with them today; my intention is to recall the essentials.

At that time the ideals of the United Nations received warm support from the public in the United States and the United Kingdom. We were trying to create a system which would prevent anything like Hitler's war, through which we had just passed, recurring. Chapter VII is the heart of the Charter. In dealing with aggression it prescribes progressive steps towards restoring peace and undoing the wrongs perpetrated. The first stage consists of provisional measures—Article 40. The second stage consists of measures not involving armed force—Article 41. Then comes Article 42 which provides that if previous measures are not adequate, action by armed forces may be taken.

That article has made clear over the years that the use of armed forces is the resort agreed upon for world security when necessary. I am sure that it has acted as a deterrent to potential aggressors with covetous eyes on their neighbours' territory. In that respect it has had a beneficial negative effect. However, although it is there, stark and clear in its terms, it has not been invoked directly. In the cases of Korea, and now the Gulf, it is the last article of Chapter VII—article 51—which has been directly quoted in the resolutions.

Article 51 provides for self-defence and has been regarded as a catch-all clause. One of the main reasons why Article 42 has not been referred to, despite the powerful influence which its existence exerts, is that it leads into Articles 43 to 47, which have not yet fully been put into effect. Those articles provide for a Military Staff Committee and for its role in directing specified armed forces allocated to the United Nations by member states in accordance with agreements to be negotiated.

The MSC was established when the United Nations was formed, consisting of military representatives of the five permanent members and co-option of other members as appropriate. However, nothing has been done in the intervening years in regard to earmarking forces or concluding agreements with members. That has not mattered. It has not reduced the effectiveness of the action of the United Nations authorised by the Security Council in Korea and the Gulf. We can feel relieved and reassured by that.

However, it has meant that Articles 43 to 47 contain references to pieces of the mechanism intended in 1945 which are missing. How did that happen? The Soviet Government agreed to the text of Chapter VII in 1945, but clearly changed their mind a few months later. They deliberately blocked any progress in the MSC. For years the MSC had its required regular meetings and did little more than adopt the agenda and arrange the date for the next meeting. It is significant that President Gorbachev stated a few months ago that he thought that progress might now be made on that point. That appears to me to be a change of heart.

The terms of the Charter were agreed by the nations which then existed as independent states and had won the war. Initial membership, around 50, was less than one-third of the present figure—159 at the latest count. Two of the largest and most influential countries in the world—Germany and Japan—did not join until some years later because they were ex-enemy states. In the same situation were Italy, Austria and some other European countries. Small changes only have been made to the Charter; in particular, increasing the size of the Security Council and the majority needed in voting there. The five permanent members of the Security Council remain the same regardless of size and influence in the world of today. The five can use the veto, which was always an essential part of the system. It was designed to avoid a situation where one of the great powers was at odds with most of the rest of the world; that might have produced the clash of arms which it was the intention of the United Nations to prevent.

It was hoped that Chapter VII would replace the functions of the pre-war League of Nations, the weakness and failure of which had been manifested in 1935 after Mussolini's attack on Abyssinia. When Saddam's folly is penalised and reversed by the armed forces of the United Nations—as I am sure it will be—collective security will be immensely strengthened in the world. We need be haunted no longer by the pale ghost of the League of Nations which will have been exorcised forever.

Before examining ways in which the community of nations can then consolidate, I should mention two additions to the mechanisms of the United Nations developed after the Charter was agreed. First, at the annual session of the General Assembly—that is, the plenary gathering of all members—in 1950 after the aggression in Korea, the United States introduced the "United for Peace" resolution, which was duly passed. The intention was to enable the General Assembly to agree upon action if the Security Council was blocked by the veto. The General Assembly can only make recommendations to members. This was, therefore, a second best and reserve arrangement designed to

[THE LORD CAMPBELL OF CROY]

avoid inaction if the Security Council was paralysed. It has not detracted from the authority of the Security Council, enshrined in the Charter, to take the necessary decisions in times of world crisis.

The second innovation has been the introduction of peace-keeping forces, which again can be recommended by the General Assembly if necessary. That has been a valuable addition. These forces have served as a kind of military police, keeping antagonists apart or patrolling contested territory. They are of course very different from a punitive force, used under Chapter VII, with all necessary modern arms at sea, in the air as well as on the land.

We must also take into account two significant changes. Small and medium-sized countries can become possessors of nuclear weapons despite the non-proliferation treaty. A country's leader may be a fanatic or megalomaniac. We must not forget Idi Amin.

The other change, assisting in the opposite direction, is that troops and equipment can now be transported in large quantities by air, as was most effectively demonstrated by the United States in August. After this war, when Saddam has been subdued, the world should be safer but the UN should not relax. Conditions will be favourable for improvements in the UN's contingency planning. Flexibility should be paramount but member states should be more prepared and ready in future to contribute forces or financial and material help. The whole question of economic sanctions needs more consideration. It is clear that, even with the whole world united against an aggressor, a fanatic like Saddam could resist that pressure for months or years. It is all the more important to have armed forces clearly in immediate readiness as a deterrent in the hope that they will not have to be used.

The time factor must be taken into account in the early stages. The leader of the offending nation may have no respect for human life or care about the hardships of his people. As time passes he will be compounding his aggression by pillage, destruction and annexation, doing everything he can to make it irreversible. That has been foreseen in Chapter VII which empowers the Security Council to decide when peaceful measures are or would be inadequate. That is in Article 42, which spells out the intention and procedure but which has not been directly invoked for reasons which we know.

The Security Council has that task and it is a very difficult judgment to make. If pressure from economic sanctions or other peaceful measures is likely to succeed within a reasonable period, the necessary time must be allowed. When such pressure is clearly not being effective and when the aggressor is strengthening his hold and the victim country is crying out for help from the rest of the world, the Security Council has to choose the moment to move to the use of armed force.

As regards forces at the disposal of the United Nations in the foreseeable future, the United States will be the only country which can field a large force speedily. Depending on the area of the world involved and other factors, it should be possible for other countries to provide support of various kinds without delay. That is the clear intention of the Charter.

On the question of the kind of help that can be given, I believe that in the cases of Germany and Japan, for example, which have made very large contributions, it need not have taken five or six months before they were forthcoming if such had been were gone into beforehand.

In opening this debate, if I have seemed dissatisfied at times it is because I see opportunities for improving the United Nations' state of readiness and so more firmly maintaining peace after the Gulf war. I feel strongly that those opportunities should be pursued. I trust that the House realises that my remarks have been inspired and overshadowed by the momentous event that the Security Council has acted with almost complete agreement in a major case of aggression in the way originally intended by the founders of the United Nations. My Lords, I beg to move for Papers.

3.15 p.m.

Lord Hatch of Lusby: My Lords, I am sure that I am expressing the views of the whole House when I say that we are grateful to the noble Lord, Lord Campbell of Croy, for introducing this subject, particularly at this very topical moment. The present conflict is being characterised, at least by the press and the governments involved, as a United Nations' operation. I do not believe that it is. I believe that this scepticism is shared by the majority of people outside this country and the United States. As we see the effects of the conflict spreading from America across to the Maghreb, the Middle East, Pakistan, and the Philippines, we are surely witnessing a conflict which is affecting the vast majority of the world and which may affect many more nations outside this country and its media.

How is the present conflict and the decision to participate in military activity seen? It does not need me to outline the feeling of most of the population of the world that those who have pursued this military conflict are acting as hypocrites. One has only to recall Afghanistan, Grenada, Panama, Nicaragua, Namibia, South Africa and many other countries to recognise that when this conflict is looked at from outside the participating countries, it appears that the permanent members of the Security Council, who are the larger powers in the world, pick and choose as to how they are going to use the powers that they have within the United Nations.

I refer in specific terms to the Question that I raised in this House yesterday afternoon concerning Indonesia and East Timor. Surely that is a clinching example of hypocrisy. After the cold war there is no excuse for saying that this or that cannot be done because of the cold war. Britain and America are supporting the Indonesian Government and providing arms for them. Yet as long ago as 1975 the Security Council unanimously passed a resolution declaring Indonesia to be an aggressor, condemning that aggression and the occupation of East Timor, and

calling on Indonesia to vacate the territory of East Timor. What has been done by the Security Council since 1975? Why is the issue of Indonesia and East Timor different from that of Iraq and Kuwait?

During the ensuing years, according to the British Government's figures, between 60,000 and 100,000 East Timorese have lost their lives as a result of that aggression. What has been done by Her Majesty's Government and the Security Council? I will not argue, as some of my colleagues have done, that because we have not done anything in Indonesia, Namibia, Grenada or Afghanistan, we should not support the responsibility of the United Nations in Kuwait. That is a line which I have never taken and I do not take it now. I simply point out that to the rest of the world it appears that the permanent members of the Security Council discriminate as to when and in what circumstances they will apply the power of the United Nations, and also when it does not seem to be in their interests to do so. That attitude is contemporary; it is being applied in Indonesia now while military activity is taking place in the Gulf.

I am not arguing that United Nations' responsibility should not have been taken in the Gulf. I believe that it should. I also believe that the United Nations has been sabotaged in its efforts in the Gulf. It has been sabotaged because right from the start it was discovered that at long last the international organisation had a weapon which was non-military and which at least stood a good chance of reversing that aggression and persuading or compelling the Iraqis to leave Kuwait. I know that this cannot be proved —nor can it be proved that military means were needed—but that weapon was there. It was discovered and supported unanimously within the Security Council and by the United Nations. According to the testimony of James Schlesinger, when sanctions were first imposed last summer the United States Administration believed that it would take 12 months for those sanctions to work adequately. It was the director of the CIA, William Webster, who only a few weeks ago gave testimony to the effect that sanctions were already damaging the military machine of the Iraqis, that by April that military machine would be seriously damaged and that within 12 to 18 months there was a good chance that by the use of sanctions the United Nations could implement Resolution 660.

That effort, that great promise for the future of having found a means of peacefully solving international conflict, was thrown away in November when the United States President doubled the number of United States forces in the Gulf and put them on the offensive. Until then they had been on the defensive, it having been stated that they were there not to attack Iraq or Kuwait but to defend Saudi Arabia. When that decision was made it sabotaged the great promise that had come to the United Nations out of the use of sanctions.

If I go back half an hour, I recall that the noble Earl who is to reply to this debate was unable to give the House any details—nor has anyone else—as to the evidence on which that decision was taken. I have repeated that there was evidence—I have given him the evidence: the evidence of James Schlesinger and the evidence of the director of the CIA—that sanctions were working and should be given time.

As to the relevance of this picture to Chapter VII, I emphasise the point made by the noble Lord, Lord Campbell of Croy, in his opening statement. Article 42, which provides for the use of military force, depends on Article 41 because Article 42 starts by saying:

> "Should the Security Council consider that measures provided for in Article 41 [that is non-military measures] would be inadequate or have proved to be inadequate"—

we have had no proof—then it may take action. But that depends on Article 41 having been put into effect first and given a chance to work. If one goes on from Article 42 to the succeeding articles, as the noble Lord, Lord Campbell, pointed out, there is then provision for the setting up of a military staff committee.

I ask the noble Earl who is to reply whether the military staff committee of the United Nations has been consulted. Has it been given the authority to organise a United Nations peace keeping force in this instance? We know it has not. But I should like the noble Earl to address himself to that point. If he intends to rest his case on Article 51 then I would point out to him that Article 51, while giving the right of self-defence, also includes the following words:

> "Until the Security Council has taken measures necessary to obtain international peace and security"—

self-defence until the security council has acted—

> "measures taken by members in the exercise of the right of self-defence shall be immediately reported to the Security Council"—

and this is the important point—

> "and shall not in any way affect the authority and responsibility of the Security Council under the present charter to take at any time such action that it deems necessary".

My contention is that the members of the United Nations have not gone through the exercise laid down in Articles 41 and 42 of Chapter VII, nor have they followed what is laid down in succeeding articles, leading to the setting up of a defence committee. They have not followed the articles preceding Article 51. They have not done so because they have been using the United Nations as an umbrella for their own decision, a decision taken by President Bush in November, which, I repeat, has sabotaged the most constructive and far seeing developments which came with the imposition of sanctions against Saddam Hussein. By sabotaging that effort they have very seriously damaged the ability of the United Nations to carry out its responsibilities after the war is over.

3.26 p.m.

The Lord Bishop of Manchester: My Lords, like the noble Lord, Lord Hatch, I am very grateful to the noble Lord, Lord Campbell of Croy, for giving us an opportunity to discuss the role of the United Nations as it relates to Chapter VII, not only in this present tragic war, but in the years that lie ahead. It reminds us that the moral basis for present action in the Gulf conflict depends on the United Nations and its role. I